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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BROADHEAD, BRIAN J

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/683,878	Applicant(s) PILLAR ET AL.	
	Examiner BRIAN J. BROADHEAD	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-23, 25, 26 and 28-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-23, 25, 26 and 28-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12-6-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14, 15, 17-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Seibel, 20040203974, and further in view of Kaman, 5844473.

3. Kempen et al. clearly discloses all the limitations except for the computer being a PDA; the communications is wireless; and the PDA wirelessly initiates at least a vehicle test program for a plurality of vehicles that manipulates at least one of the plurality of output devices. The manipulation of the input and output devices admitted in Kempen et al. reads on the test program.

4. Seibel teaches using a PDA in place of a computer or laptop and using wireless communications in paragraph 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the PDA in place of the laptop because it is a design choice. The advantages and limitations of a PDA over a laptop or PC are readily evident in the art.

5. Kempen et al. and Seibel disclose the limitations as set forth above. They do not disclose the PDA can be connected to a fleet of vehicles; the PDA wirelessly initiates at least a vehicle test program for a plurality of vehicles that manipulates at least one of

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the plurality of output devices; and all the various report types. Kaman teaches connecting to a fleet of vehicle to generate reports on lines 63-67, on column 2, and lines 1-5, on column 3; and the PDA wirelessly initiates at least a vehicle test program for a plurality of vehicles that manipulates at least one of the plurality of output devices on lines 15-25, on column 4, the test program can be broadly interpreted as the request for maintenance information. All of the various maintenance and usage reports are a design choice within the ordinary skill of one in the art and provide no unexpected results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Kaman in the invention of Siebel and Kempen et al. because such modification would provide reliable monitoring of vehicle usage and as Kaman discloses on lines 10-14, on column 1, "the need to collect operational information on mobile vehicles is well known. Recommended vehicular maintenance procedures are typically tied to vehicular usage. The more a vehicle is used the more frequently the vehicle must be serviced."

6. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Seibel, 20040203974, in view of Kaman, 5844473, as applied to claims 14, 15, 17-22 above, in view of Lastinger et al., 2005/0060246.

7. Kempen et al., Seibel, and Kaman disclose the limitations as set forth above. They do not disclose the PDA is configured to receive a radio frequency signal from the cargo stored in the storage compartment that includes characteristics of the cargo; and generating a report based on the characteristics of the cargo; and generating a report that incorporates the results of the vehicle test program with the characteristics of the

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cargo, and the customized report of claim 42. Lastinger et al. teach of a portable reader for receiving radio signals from the cargo including characteristics and generating a report based on the signals in paragraphs 28, 38, 47, 48, 68 and 71-73. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the invention of Lastinger et al. in the invention of Kempen et al., Seibel, and Kaman because such modification would allow the PDA of Kempen et al., Seibel, and Kaman to perform more diagnostics. Lastinger provides a way to gain more operational data such as weight distribution to make sure the vehicle is performing efficiently. The generation of a specific report based upon available information is well within the ordinary skill in the art at the time the invention was made. The choice of the report form would depend on what business the invention was being used for and would be well within routine skill in the art.

8. Claims 37-40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Seibel, 20040203974, in view of Kaman, 5844473, in view of Lastinger et al., 2005/0060246, as applied to claim 41 above, and further in view of DeWilde, 2004/0069850.

9. Kempen et al., Seibel, Kaman, and Lastinger et al. disclose the limitations as set forth above. They do not disclose receiving information regarding the destination of the cargo. DeWilde teach storing cargo destination information in the vehicle in paragraphs 9-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of DeWilde with the previous invention because such modification would ensure prompt and accurate delivery of packages as

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disclosed by DeWilde. The previous invention is for a vehicle monitoring system, by combining the vehicle monitoring with the package control tracking a delivery fleet operator would have more information available to track operations. In other words, it is within routine skill in the art to combine known data points (ones that are already known to be collected and stored) to an existing system and to produce reports based on this data.

10. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Seibel, 20040203974, Kaman, 5844473, as applied to claims 14,15, and 17-22 above, and further in view of Rothert et al., 6141610.

11. Kempen et al., Seibel, and Kamen disclose the limitations as set forth above. They do not disclose generating a customer invoice based on I/O status information. Rothert et al. teach generating a customer invoice based on I/O status information in figure 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Rothert in the invention of Kempen et al., Seibel, and Kamen because such modification would provide for automated billing for a rental fleet without entering information manually as disclosed on lines 37-55, on column 2, of Rothert et al.

12. Claims 1-4, 7-13, 23, 25, 28-31, 33, 35, and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of Kempen et al., 6421593, in view of Ying, 2002/0181405.

13. Kempen et al. clearly discloses all the limitations except for the computer being a PDA; the wireless communications is encrypted; the PDA has a touch screen; the

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wireless range is one mile or 1000 feet; the manipulation of the input and output devices admitted in Kempen et al. reads on the test program; and the location of the PDA while carrying out the tests is functional language that the admitted prior art is capable of.

Ying teaches using a PDA in place of a computer or laptop in figures 1 and 5 and paragraph 21; and a touch screen in paragraph 60. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the PDA in place of the laptop because it is a design choice and provides the freedom of movement describes in Ying. The advantages and limitations of a PDA over a laptop or PC are readily evident in the art. Kempen et al. and Ying do not disclose the wireless range is one mile or 1000 feet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wireless range of one mile or 1000 feet because it is a design choice. The most common types of wireless communication with a PDA is 802.11 and depending on conditions can reach up to a mile. This could be argued to be inherent in Ying.

14. Claims 5, 6, and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Ying, 2002/0181405 as applied to claims 1-4, 7-13, 23, 25, and 29-31 above, and further in view of Kaman, 5844473.

15. Kempen et al. and Ying disclose the limitations as set forth above. They do not disclose the PDA can be connected to a fleet of vehicles; and all the various report types. Kaman teaches connecting to a fleet of vehicle to generate reports on lines 63-67, on column 2, and lines 1-5, on column 3. All of the various maintenance and usage reports are a design choice within the ordinary skill of one in the art and provide no

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unexpected results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Kaman in the invention of Siebel and Kempen et al. because such modification would provide reliable monitoring of vehicle usage and as Kaman discloses on lines 10-14, on column 1, "the need to collect operational information on mobile vehicles is well known. Recommended vehicular maintenance procedures are typically tied to vehicular usage. The more a vehicle is used the more frequently the vehicle must be serviced."

16. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Ying, 2002/0181405, as applied to claims 1-4, 7-13, 23, 25, 28-31, 33, 35, and 36 above, and further in view of Rothert et al., 6141610.

17. Kempen et al. and Ying disclose the limitations as set forth above. They do not disclose generating a customer invoice based on I/O status information. Rothert et al. teach generating a customer invoice based on I/O status information in figure 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Rothert in the invention of Kempen et al., and Ying because such modification would provide for automated billing for a rental fleet without entering information manually as disclosed on lines 37-55, on column 2, of Rothert et al.

Response to Arguments

18. Applicant's arguments filed 10-11-07 have been fully considered but they are not persuasive. Applicant again argues the references individually and argues that certain limitations are not taught by the individual pieces of prior art when taken alone.

However, each of those references are not cited for what that applicant is arguing they

fail to teach. For instance, Kempen is argued by stating that there is not a teaching of using a PDA, but Siebel is the reference that provides that teaching. Also presented as an argument is that Kempen does not teach generating reports but once again, Kempen is not cited for the reports, Kamen is. It is also argued that Siebel fails to teach any type of device manipulation, however, Kempen also discloses device manipulation by the computer, Siebel simply provides the teaching that the computer can be a PDA instead of a computer attached by wires.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN J. BROADHEAD whose telephone number is

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(571)272-6957. The examiner can normally be reached on Monday through Thursday or Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian J. Broadhead/
Examiner, Art Unit 3664

BJB